

Order

Michigan Supreme Court
Lansing, Michigan

March 21, 2008

Clifford W. Taylor,
Chief Justice

134576

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 134576
COA: 277682
Saginaw CC: 01-020409-FH

SALLY ANN BENNETT,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the July 13, 2007 order of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for consideration as on leave granted of whether the defendant's sentence is invalid, see MCR 6.508(D)(3)(b)(iv); *People v Kimble*, 470 Mich 305, 314 n 6 (2004); and *People v Babcock*, 469 Mich 247 (2003).

WEAVER, J., dissents and states as follows:

I dissent. I would not remand this case and I would deny leave to appeal because I am not persuaded that the decision of the Court of Appeals was clearly erroneous or that defendant has suffered any injustice in this case.

CORRIGAN, J., would deny leave to appeal. See *People v Bennett*, lv den 471 Mich 877 (2004).



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 21, 2008

Corbin R. Davis

Clerk